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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL ITS SUBMISSION IN  
RESPONSE TO THE COURT'S ORDER  
REQUIRING FURTHER RESPONSE RE  
UNJUST ENRICHMENT (DKT. 2404)**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its December 18, 2017 Submission in Response to the Court’s Order Requiring Further Response re: Unjust Enrichment Damages (“Waymo’s Submission”). Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Submission	Portions highlighted in blue	Defendants
	Portions highlighted in green	Waymo
Nardinelli Ex. 1	Entire document	Waymo and Defendants
Nardinelli Ex. 2	Entire document	Waymo and Defendants
Nardinelli Ex. 3	Entire document	Defendants

#### **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

#### **II. UBER’S CONFIDENTIAL INFORMATION**

Waymo seeks to seal the portions of Waymo’s Submission (portions highlighted in blue) and Nardinelli Ex. 1-3 because Defendants have designated the information confidential and/or highly confidential. Declaration of Lindsay Cooper (“Cooper Dec.”), ¶ 3. Waymo expects Defendants to file one or more declarations in accordance with the Local Rules. *Id.*

#### **III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

The Court should seal the portions of Waymo’s Opposition (portions highlighted in green) and Nardinelli Ex. 1 and 2 identified by Waymo in the table above. Waymo seeks to file this information under seal because it discloses Waymo’s trade secrets and confidential business information. *See* Cooper Dec., ¶ 4. Courts have determined that trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14–cv–03078–JSC, 2015 WL 3993147, at \*1 (N.D.

Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc'ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428 PSG, 2013 WL 211115, at \*1, \*3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document that “consists entirely of descriptions of Brocade’s trade secrets.”). Confidential business information that, if released, may “harm a litigant’s competitive standing” also merits sealing. *See Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to seal confidential business information and trade secret information that fit squarely within these categories. Cooper Dec. ¶ 4. Waymo maintains this information as a trade secret (*see* Dkt. 25-31) and ensures the information remains secret with strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has narrowly tailored its requests to only information meriting sealing. *Id.* In fact, both *Music Grp.* and *Brocade* found the confidential information at issue in those cases met the heightened “compelling reasons” standard for sealing. *Music Grp.*, 2015 WL 3993147, at \*1; *Brocade*, 2013 WL 211115, at \*1, \*3. The information that Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure of Waymo’s trade secret and confidential business information would harm Waymo. Cooper Dec. ¶ 4. Moreover, the scope of information that Waymo is seeking to seal is consistent with other administrative motions to seal that have already been granted by the Court in this case. (*See* Dkt. 681.) Thus, the Court should grant Waymo’s administrative motion to seal.

#### IV. CONCLUSION

In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the above listed documents accompany this Administrative Motion. For the foregoing reasons, Waymo respectfully requests that the Court grant Waymo’s Administrative Motion.

DATED: December 18, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

By /s/ Charles Verhoeven

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